

REMARKS

In the action dated November 3, 2005, the Examiner has rejected Claims 1-2, 5, 7-8 and 11 under 35 U.S.C. §103(a) as being unpatentable over *Tran, et al.*, U.S. Patent No. 6,359,987 in view of *In re Japikse*, (86,USPQ 70). That rejection is respectfully traversed. The Examiner has taken the position that *Tran et al.* discloses a multimedia speaker detection circuit but notes that *Tran et al.* "fails to specifically disclose a second input from the passive speaker amplifier coupled the input of switch device." *sic* The Examiner takes the position that it would have been obvious to one of ordinary skill in the art to modify the position of the amplifier "since it has been held that rearranging parts of an invention involves only routine skill in the art..." citing *In re Japikse*.

Applicant respectfully urges the Examiner to consider that although *In re Japikse* does hold that relocation of an element such as the switch A-42 so that it may be operated by beaver tail 62 instead of by dog DA-2 is devoid of invention. However, Applicant has carefully examined *In re Japikse* and wishes the Examiner to consider that although relocation of components may be devoid of invention, *In re Japikse* does not stand for the proposition that missing elements may be presumed to be present in a reference.

In support of this position, Applicant notes that the claims in the present application are directed to determining whether a passive or active audio output device is connected to audio output jack of a computer system and, based upon that determining step, providing one of the plurality of different power levels to the audio output jack "by selectively controlling the output of a switch device having a first input from an audio CODEC and a headphone amplifier and a second input from a passive speaker amplifier wherein said audio CODEC and headphone amplifier has an output connected to an input of said passive speaker amplifier." (emphasis added) Referring now to *Tran et al.*, Applicant notes that multimedia speaker detection means 64 is indeed described as being able to distinguish between actively driven and passively driven speakers by distinguishing between the impedance level present at the time of connection; however, thereafter *Tran et al.* differs substantially from the invention set forth within the claims of the present application.

Referring to Figure 3 of *Tran et al.*, it may be seen that the left channel input and right channel input at reference numerals 114 and 116 respectively, are coupled to amplifiers 94L and 94R. Additionally, an un-amplified signal is coupled directly from those inputs to multiplexer 96. Thereafter, based upon the position of multiplexer 96, either an un-amplified signal from input point 114 and 116 is coupled to the headphones or an amplified signal from each channel is coupled to a speaker.

Applicant has carefully examined *Tran et al.* and fails to find an "audio CODEC and headphone amplifier" since it is clear that amplifiers 94L and 94R operate on the left and right channel as a passive stereo speaker amplifier. Further, Applicant also fails to find even the slightest suggestion within *Tran et al.* for an output from the missing audio CODEC and headphone amplifier coupled to an input of the passive speaker amplifier.

Consequently, Applicant urges the Examiner to consider that *Tran et al.*, the holding of *In re Japikse* notwithstanding, does not depict a mere rearrangement of the elements of the presently claimed invention but merely depicts a partial illustration of the elements set forth within Applicant's claims. The CODEC and headphone amplifier cannot be found within the disclosure of *Tran et al.* and no suggestion for such an element can be found. Further, the Examiner may not merely assume that amplifiers 94L and 94R constitute an audio CODEC and headphone amplifier and a passive speaker amplifier since amplifiers 94L and 94R are clearly the left and right channel of a passive stereo speaker amplifier system. Consequently, Applicant urges the Examiner to consider that her rejection of Claims 1-2, 5, 7-8 and 11 over *Tran et al.*, whether viewed alone or under the teaching of *In re Japikse* is not well founded and that rejection should be withdrawn.

The Examiner has also rejected Claims 3-4, 9-10 and 14 under 35 U.S.C. §103(a) as being unpatentable over *Tran et al.* in view of *In re Japikse* and further in view of Applicant's admitted prior art. Applicant respectfully urges the Examiner to consider that nothing within Applicant's admitted prior art shows or suggests the combination set forth within Claims 1 and 7 and consequently the rejection, as the rejection above based upon *Tran et al.* and *In re Japikse* is not well founded and should be withdrawn.

In summary, Applicant urges that the claims of the present application recite elements which are neither shown nor suggested in *Tran et al.* and that no amount of rearranging of the elements within *Tran et al.* will overcome this clear deficiency. Upon calm reflection, it is hoped that the Examiner will withdraw this rejection and pass claims 1-11 and 14 to issue.

CONCLUSION

No fee is believed to be required to submit this response. However, in the event any fees are required, please charge **LENOVO Deposit Account No. 50-3533**. No extension of time is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time as well as any other fee necessary to further the prosecution of this application to **LENOVO's Deposit Account No. 50-3533**.

Respectfully submitted,



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